

REMARKS

The Official Action and the cited references have been carefully reviewed. The review indicates that the claims, especially as amended, recite patentable subject matter and should be allowed. Reconsideration and allowance are therefore respectfully requested.

Prior to contending with the grounds upon which the objections and rejections have been made, a brief summarization of the essentials of the invention will be provided to establish a clearer line of distinction between the invention self-coherent particulate magnetic material and its use as a mulch and those materials disclosed in the cited and applied references.

In an era where permanent ground covering mulches are susceptible to being moved and scattered by wind and/or rain unless they are of sufficient size to resist the same, applicant is the first to invent a permanent ground cover or mulch material that is relatively small in particle size that can resist movement under the effects of wind and rain.

This has been unexpectedly accomplished by providing a self-coherent particulate magnetic material comprising a mixture of a particulate magnetic material and a particulate magnetic attracting material; wherein the particulate magnetic material comprises magnetic particles of a dimension of from about 1 to about 25 millimeters. In a preferred embodiment of the invention, the particulate magnetic material comprises at least about 50% by volume of the self-coherent particulate magnetic material mixture.

Claims 14, 16 and 20 were rejected as being anticipated by Kenmoku et al. under 35 USC §102 (b).

Applicant respectfully traverses this rejection and requests reconsideration for reasons hereinafter set forth.

A careful review of Kenmoku reveals that it is directed to a soil conditioner which contains ferromagnetic iron oxide, and said conditioner is used as soil for plant cultivation by itself or in the form of a mixture with soil. While this soil conditioner may adsorb nutrients such as ammonia, K and phosphorus from the soil and then effectively supply them to plants, nowhere in Kenmoku et al. is there any disclosure of or reference to inclusion of a particulate magnetic attracting material or a particulate magnetically inert material. Further, Kenmoku et al. lacks any disclosure of or reference to the particle size dimensions of the magnetic material – and, the size of particles necessary to resist movement under the effects of wind and rain when permanent mulches are considered - as opposed to a soil conditioner.

Accordingly, Kenmoku et al. fails to anticipate applicant's claims – especially as presently amended.

Withdrawal of the rejection is respectfully requested.

Claims 15 and 17 were rejected as being obvious over Kenmoku et al. under 35 USC §103(a).

Applicant respectfully traverses this rejection and request reconsideration for reasons hereinafter elaborated.

Kenmoku et al. has been discussed above; however, it is worth reiterating that Kenmoku et al. only discloses a soil conditioner of ferromagnetic iron oxide which when used on soil adsorbs nutrients such as ammonia K and phosphorous. Nowhere in Kenmoku et al. is there any reference to or mention of, the use of a self-coherent particulate magnetic material comprising a mixture of a particulate magnetic material and a particular magnetic attracting material or particulate magnetically inert material.

Accordingly, the fact that the soil conditioner of ferromagnetic iron oxide of Kenmoku et al. may absorb nutrients such as ammonia, K and phosphorous from the soil in no way teaches or suggests to one skilled in the art that adsorption of these materials from the soil is equivalent with or obvious to mixing a particulate magnetic attracting material or a particulate magnetically inert material with the ferromagnetic iron oxide material to render it self-coherent. In other words, there is no self-coherency in Kemmoku et al.'s soil conditioner – but instead, adsorption. And it is only by hindsight after reference to applicant's invention that the allegation is made that it would be obvious to utilize a particulate magnetic attracting material or a particulate magnetically inert material as nutrients capable of being adsorbed by the ferromagnetic iron oxide soil conditioner.

Withdrawal of the rejection is respectfully requested.

The Office Action makes reference to claim 16 as containing a particulate magnetically inert material that is not disclosed in the specification; however, this reference is erroneous for the reason that applicant's specification, at page 7, lines 9 to 12 make it abundantly clear that magnetically inert particulate materials may also be incorporated in the mixture of magnetic particulate material. Accordingly, the objection to the specification and the allegation that claim 16 lacks a basis in said specification is without foundation.

Note is taken of the rejection of claims 15 and 17 under the second paragraph of 35 USC 112 on grounds of indefiniteness – for duplicity; however, in view of the cancellation of claim 15, the objection no longer applies.

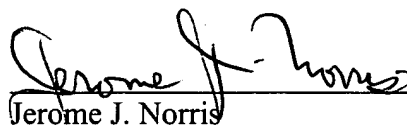
Note is further taken of the cited but non-relied upon art of Wilson '936, Dalton, Foth, Wilson '093, Wilson '222, Inoue, Haruna et al., Sasahara, and Aonuma; however, a review

of these references indicate they are even less relevant than the cited and applied reference of Kenmoku et al.

The reference to Schneider ('369A1) is not clear – but if the implication is that it is prior art against the claims as presently recited, this is erroneous for it is none other than the publication after 18 months of the present application.

In view of the foregoing amendments, remarks and arguments, it is believed that the application is now in condition for allowance and early notification of the same is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Jerome J. Norris", is written over a horizontal line.

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